

MEMORANDUM

Agenda Item No. 11(A)(10)

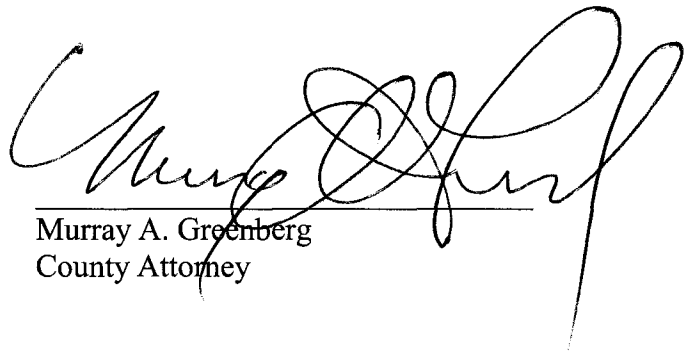
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: November 28, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution urging the
Florida Legislature to prohibit
use of cell phones while
driving in school zones

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Carlos A. Gimenez, Commissioner Jose "Pepe" Diaz and Commissioner Sally A. Heyman.



Murray A. Greenberg
County Attorney

MAG/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: November 28, 2006

FROM: Murray A. Greenberg
County Attorney

A handwritten signature in cursive script, reading "Murray A. Greenberg", is written over the printed name of the County Attorney.

SUBJECT: Agenda Item No. 11(A)(10)

Please note any items checked.

_____ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised

_____ 6 weeks required between first reading and public hearing

_____ 4 weeks notification to municipal officials required prior to public hearing

_____ Decreases revenues or increases expenditures without balancing budget

_____ Budget required

_____ Statement of fiscal impact required

_____ Bid waiver requiring County Manager's written recommendation

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ Housekeeping item (no policy decision required)

_____ No committee review

Approved _____ Mayor

Agenda Item No. 11(A)(10)

Veto _____

11-28-06

Override _____

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
PROHIBIT THE USE OF CELLULAR TELEPHONES WHILE
DRIVING IN A SCHOOL ZONE AT TIMES WHEN REDUCED
SPEEDS ARE IN EFFECT

WHEREAS, cellular telephones now have become commonplace with more than ninety-five (95) million in use in the U.S.; and

WHEREAS, an estimated forty-four (44) percent of all U.S. motorists have a cellular telephone in the vehicle; and

WHEREAS, as the number of cellular telephones in use in vehicles has increased, so too has the number of driver safety advocates who have linked cellular telephone use to motor vehicle accidents; and

WHEREAS, the State of New York has restricted the use of cellular telephones while driving; and

WHEREAS, in 2001, Miami-Dade County became the first county in the State of Florida to pass an ordinance restricting the use of cellular telephones while driving; and

WHEREAS, the following year, the Florida Legislature preempted the Miami-Dade ordinance, along with all local government regulation of cellular telephones while driving; and

WHEREAS, because of distraction from driving, cellular telephone use in school zones when children are likely to be present is especially dangerous,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to prohibit the use of cellular telephones while driving in school zones at times when reduced speeds are in effect.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2007 State Legislative Package.

The foregoing resolution was sponsored by Commissioner Carlos A. Gimenez, Commissioner Jose "Pepe" Diaz and Commissioner Sally A. Heyman and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Dennis C. Moss, Vice-Chairman	
Bruno A. Barreiro	Jose "Pepe" Diaz
Audrey M. Edmonson	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorrian D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairman thereupon declared the resolution duly passed and adopted this 28th day of November, 2006. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Jess M. McCarty

